

1-1-1976

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Recommended Citation

James S. Bowman, *The Environmental Movement: An Assessment of Ecological Politics*, 5 B.C. Env'tl. Aff. L. Rev. 649 (1976), <http://lawdigitalcommons.bc.edu/ealr/vol5/iss4/4>

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THE ENVIRONMENTAL MOVEMENT: AN ASSESSMENT OF ECOLOGICAL POLITICS

*James S. Bowman**

INTRODUCTION

At one time, "ecology" was a word used by college freshmen majoring in biology to impress their parents. Suddenly, during the late 1960's and early 1970's, widespread public concern about man's environment developed, and "ecology" was used—and misused—everywhere from editorial pages to bumper stickers. Extensive media coverage brought environmental issues into the homes of virtually all citizens. The pollution of man's environment was discussed from corporation board rooms to corner taverns.

Politicians of both political parties quickly staked out positions against pollution. In a special message to Congress in 1970, President Nixon summoned citizens to a "New American Revolution"—a revolution not of arms but of values and attitudes which would enhance environmental quality.¹ Federal legislation was passed and executive action was taken to protect the nation's environment.² On Earth Day, April 22, 1970, an estimated twenty million Americans participated in a nationwide program of environmental debates, protests, and parades.³ The environmental decade had begun with

* Assoc. Prof., Dep't of Political Science, Univ. of Wyoming.

¹ President's Special Message to Congress on Environmental Quality, PUB. PAPERS 96 (Feb. 10, 1970).

² See, e.g., National Environmental Policy Act of 1969 (NEPA), § 55, 42 U.S.C. §§ 4321 *et seq.* (1970); The Water Quality Improvement Act of 1970, § 23, 33 U.S.C. §§ 1151 *et seq.* (1970); and Resource Recovery Act of 1970, § 39, 42 U.S.C. §§ 3251 *et seq.* (1970). The Environmental Protection Agency (EPA) was established by presidential order. Reorg. Plan No. 3 of 1970, President's Special Message to the Congress about Reorganization Plans to Establish the Environmental Protection Agency and the Nat'l Oceanic and Atmospheric Administration, PUB. PAPERS 215-16 (July 9, 1970).

³ THE ENVIRONMENTAL HANDBOOK (G. de Bell ed. 1970) xiii-xv [hereinafter cited as HANDBOOK]; EARTH DAY—THE BEGINNING (Nat'l Staff of Env'tl Actions ed. 1970).

the birth of a national movement to save the world from pollution—the “new conservation” movement.⁴

This paper will analyze five currents in American society which affect environmentalism in order to assess the political power of the “new conservation.”⁵ The first three topics—the popularity of ecology, national wealth, and changing societal values—concern the appearance and reception of the environment as a political issue. The fourth theme discusses the organizational base of the movement. The last theme assesses the capability of the American culture to respond to environmental deterioration.

I. THE POPULARITY OF ECOLOGY

Public Opinion and the Environment

By the late 1960's, conservation issues had gained a place at the top of the nation's political agenda. What had previously been a limited, almost eccentric, hobby of a few emerged as a major political force across the country. Teach-ins on college campuses, enactment of environmental legislation, and public opinion polls all indicated that pollution of America's air and water was one of the country's most pressing problems.⁶ How can this dramatic increase in concern over pollution be explained?

Although “environment” was not in the vocabulary of politics before the turn of the decade, issues of an environmental character had become increasingly prominent during the Sixties. A number of dramatic problems focused public awareness on environmental quality. As the Sixties began, the danger of nuclear fallout demonstrated to Americans that there was only one environment shared by all nations.⁷ Shortly thereafter, Rachel Carson published *SILENT SPRING* which emphasized that man's well-being was inextricably entwined with that of the total life support system on earth.⁸ In 1966, the Sierra Club further popularized concern for the environment by running an emotional and successful campaign to “save the

⁴ W. ROSENBAUM, *THE POLITICS OF ENVIRONMENTAL CONCERN* ch. 3 (1973).

⁵ These trends, themes, opinions, and hopes underlie the essays and speeches in the texts cited in note 3, *supra*. They are also outlined in Bowman, *The Ecology Movement: A Viewpoint*, 8 INT'L J. ENV'T'L STUD. 91 (1975) [hereinafter cited as Bowman *Viewpoint*].

⁶ See HANDBOOK, *supra* note 3; EPA, *THE CHALLENGE OF THE ENVIRONMENT: A PRIMER ON EPA'S STATUTORY AUTHORITY* (1972); Erskine, *The Polls: Pollution and Its Cost*, 36 PUB. OPINION Q. 120 (1972).

⁷ J. MADDOX, *THE DOOMSDAY SYNDROME* 12-17 (1972).

⁸ R. CARSON, *SILENT SPRING* (1962).

Grand Canyon" from being dammed and flooded.⁹ Near the end of the 1960's photographs of earth from satellites reaffirmed the ecologist's message that the world is a small, fragile, interrelated community. The frightening scenarios in Paul Ehrlich's *POPULATION BOMB*¹⁰ and the blow-out of an offshore oil well near Santa Barbara, California in 1969¹¹ demonstrated the consequences of ignoring the environmental balance. Earth Day, 1970, was the culmination of widespread public frustration after years of abuse of our air, water, and land and society's failure to prevent this repeated abuse.

Thus, it was not a single issue or sudden crisis that led to the formation of the environmental movement. Indeed, publicity concerning pollution problems had been present since about 1960, and it is not certain that all forms of environmental degradation were really worse than before.¹² This suggests that public perception of the environment was at least as important as the actual condition of the biosphere. The outcry over environmental quality was probably more a function of changes in attitude than changes in the actual state of the environment.¹³ It seems more than coincidental that the emergence of environmental quality awareness coincided with the coming to maturity of the first generation to grow up under post-World War II affluence.¹⁴

By the end of the Sixties, rising public expectations and a series of environmental incidents created several conditions that are prerequisites for formation of a social movement.¹⁵ First, a significant number of individuals recognized that they shared dissatisfactions—pollution was visible and threatened everyone. Second, mass political action in the civil rights and anti-war movements appeared to be a reasonably effective approach.¹⁶ A "new conservation" movement erupted at the end of the decade in the form of a grassroots political rebellion against past and continuing environmental degradation.

⁹ R. NASH, *WILDERNESS AND THE AMERICAN MIND* 227-36 (Rev. ed. 1973); *Grand Canyon Dam Eyed by Public Utility Agencies*, *Denver Post*, April 1, 1974, at 8, col. 3.

¹⁰ P. EHRLICH, *THE POPULATION BOMB* (1968).

¹¹ R. EASTON, *BLACK TIDE: THE SANTA BARBARA OIL SPILL AND ITS CONSEQUENCES* (1972).

¹² See Trop & Roos, *Public Opinion and the Environment*, in *THE POLITICS OF ECOSUICIDE* (L. Roos ed. 1971); M. CRENSON, *THE UN-POLITICS OF AIR POLLUTION* (1973).

¹³ See Murch, *Who Cares About the Environment? The Nature and Origins of Environmental Concern*, in *ENVIRONMENT CONCERN: PERSONAL ATTITUDES AND BEHAVIOR TOWARD ENVIRONMENTAL PROBLEMS* 9 (Murch ed. 1974).

¹⁴ See notes 41-46, *infra*, and accompanying text.

¹⁵ W. CAMERON, *MODERN SOCIAL MOVEMENTS: A SOCIOLOGICAL OUTLINE* 10 (1966).

¹⁶ *Id.*

However, the emotional peak of public concern reached in the 1970 Earth Day activities could not be sustained indefinitely. Flaming manifestos, prophecies of doom, and crusading ballads quickly become passé. In the mass media, new columns and weekly programs devoted to the environment soon were dropped and debunking accounts began to appear.¹⁷ The environment as a public policy issue was originally appealing to many; it had held the promise of a unifying theme in a time of intense divisions over other social issues. Yet, the consensus of opinion soon predictably dissipated due to the very character of the issue. While it is true that pollution threatens everyone and thus all citizens are potential activists in the "cause," it is also true that merely to be alive in modern technological society is to be a polluter of the environment.¹⁸ Further, no matter how serious the environmental threat, it is primarily a gradual threat. Even with dramatic evidence of the extent of pollution, much of the agreement about the prognosis is intellectual. The lack of any immediate threat to day-to-day living and the relative shortness of a human life combine to set off ecology as a remote problem compared to such topical issues as governmental corruption or the faltering economy. Simple awareness of the problem, as dramatized by Earth Day, is not the same as readiness to accept enforcement of laws that require changes in life styles and expenditures of large amounts of money.¹⁹ Typically, environmental concern is equated narrowly with nature conservation or pollution control, instead of broadly with the quality-of-life. Only a handful of human beings see their behavior within the context of balanced life support systems.²⁰

¹⁷ See, e.g., C. ADLER, *ECOLOGICAL FANTASIES: DEATH FROM FALLING WATERMELONS* (1973); W. BAXTER, *PEOPLE OR PENGUINS: THE CASE FOR OPTIMAL POLLUTION* (1974); P. BECKMAN, *ECOHYSTERICS AND THE TECHNOPHOBES* (1973); R. NEUHAUS, *IN DEFENSE OF PEOPLE: ECOLOGY AND THE SEDUCTION OF RADICALISM* (1971); M. STULTIFER, *THE CASE FOR EXTINCTION: AN ANSWER TO CONSERVATIONISTS* (1970); Kristol, *The Environmentalist Crusade*, *Denver Post*, Jan. 19, 1975, at 25, col. 1; H. KAHN, W. BROWN & L. MARTEL, *THE NEXT TWO HUNDRED YEARS* (1976).

¹⁸ One well known commentator noted that pollution may well be the nation's most broadly based and democratic effort. Galbraith, *The Polipollutionists*, *ATLANTIC*, Jan. 1967, at 52.

¹⁹ For instance, in 1973 the EPA announced that to meet statutory requirements for clean air, gas rationing and a partial ban on automobile traffic would be necessary in Los Angeles. People could not believe that such drastic steps were necessary. Hill, *Bus Lane's Future Dimmer on Coast*, *New York Times*, Aug. 15, 1976, at 20, col. 1. See also, Schnaiberg, *Politics, Participation, and Pollution: The Environmental Movement*, in *CITIES IN CHANGE* 605 (J. Walton & D. Carns eds. 1973).

²⁰ Bowman, *Public Opinion and the Environment: Post-Earth Day Attitudes Among College Students*, 9 *ENV'T & BEHAVIOR* (to be published Sept. 1977) [hereinafter cited as *Post-Earth Day Attitudes*].

Political Institutions and the Environment

These general attitudes are shared by many political officeholders. The tacit assumption underlying public management of natural resources has been that economic development brings the greatest good to the greatest number of people. On this assumption all three branches of American government are conditioned to reject proposals that would subordinate economic development to ecological values. The record of the Nixon-Ford years appears to reflect the desire to pursue only those environmental programs which do not seriously infringe on corporate goals and traditional economic values. President Ford's repeated vetoes of strip-mining legislation²¹ are prime examples of this outlook. In his first and only major environmental speech Ford publicly retreated from an unqualified commitment to restore the environment by announcing that a "detente with nature" would have to be postponed if it interfered with economic progress.²² This tendency is well-illustrated by the Nixon-Ford energy policies. Programs have been shaped more around the idea of national self-sufficiency than around changes in basic production and consumption patterns. Instead of calling for a slowdown in the accelerating use of energy, the Administration emphasized further exploitation of fossil fuels to meet the projected demands.²³ Regrettably—but not unexpectedly—the Nixon-Ford Administrations failed to produce meaningful improvement in the quality of the environment.²⁴

Both Congress and the courts have somewhat better records than that of the executive branch. Congress has played an important part in calling attention to environmental issues and in drafting legislation to curb air and water pollution.²⁵ Since any public works pro-

²¹ Mining, Surface Regulation H.R. 11500, 93d Cong., 2d Sess. (1974); S. 425, 93d Cong., 2d Sess. (1973), reprinted in [1975] U.S. CODE CONG. & AD. NEWS 9419; Surface Mining Control and Reclamation Act, H.R. 25, 94th Cong., 1st Sess. (1975); S. 7, 94th Cong., 1st Sess. (1975), reprinted in [1976] U.S. CODE CONG. & AD. NEWS 4360; Federal Coal Leasing Amendments Act of 1975, H.R. 6721, 94th Cong., 2d Sess. (1976); S. 391, 94th Cong., 1st Sess. (1975), reprinted in [1976] U.S. CODE CONG. & AD. NEWS 7456.

²² President's Address of July 2, 1975 to Magida, *Environmental Issues Under Ford—What a Difference Six Years Make*, 8 NAT'L J. 307 (1976). The Carter Administration shows promise of greater openness to substantive environmental legislation. See *Environment Aides Hail Carter Victory*, New York Times, Nov. 7, 1976, at 35, col. 1.

²³ Magida, *supra* note 22, at 306.

²⁴ The National Wildlife Federation's "environmental quality index" has shown a deterioration in every major category since 1969. *The Sixth Environmental Quality Index*, 13 NAT'L WILDLIFE 3 (Feb.-March 1975).

²⁵ See Clean Air Act of 1970, § 15B, 42 U.S.C. §§ 1857 *et seq.* (1970); Federal Water

gram that funnels federal funds and jobs into legislative districts is likely to be popular, some bold and far-reaching environmental measures have been passed by both Houses of Congress with little opposition and sometimes with little discussion.²⁶

The superficial popularity that the environment has enjoyed on Capitol Hill, however, has produced few fundamental changes in attitudes toward the political and economic system on the part of the lawmakers.²⁷ Pollution control efforts are viewed as beneficial and desirable, the kind of government activity which no citizen of good will could really oppose.²⁸ Legislators also perceive that environmental programs will not engender tremendous disaffection or adverse electoral consequences if no serious enforcement effort is undertaken.²⁹ The result frequently is the appearance of action at the expense of substantive policy. Political scientist Murray Edelman argues in *THE SYMBOLIC USES OF POLITICS*,³⁰ that all that is necessary for political success is enactment of symbolic legislation dedicating the government to an issue and frequent assertions that the issue is being resolved. The mere enactment of legislation does not insure its financial support, implementation, or effectiveness.³¹

Pollution Control Act Amendments of 1972, § 26, 33 U.S.C. §§ 1251 *et seq.* (Supp. II 1972).

²⁶ The typical pattern was one of nearly unanimous votes in the House of Representatives and the Senate, followed by voice vote passage in each house of the conference committee report. A representative example of this pattern was the Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. §§ 134 *et seq.* (Supp. V 1975); 32 U.S.C. § 1401 *et seq.* (Supp. V 1975) which passed the House by a 303-3 vote and the Senate by 73-0 and received voice vote approvals in both chambers of the conference committee recommendation. See R. LIROFF, *A NATIONAL POLICY FOR THE ENVIRONMENT: NEPA AND ITS AFTERMATH* 31 (1976).

²⁷ See Kraft, *Congressional Attitudes Toward the Environment*, 1 *ALTERNATIVES: PERSPECTIVES ON SOC. & ENV'T* 27 (1972).

²⁸ Most legislators cannot avoid at least the appearance of protecting the environment. Those whose opposition to environmental controls is interpreted as favoring pollution may risk sudden retirement at the ballot box. See Bass, *Voters Oust 8 of Dirty Dozen*, 6 *ENV'T'L ACTION* 3 (Nov. 9, 1974).

²⁹ For an analysis of Congressional voting, see Ritt & Ostheimer, *Congressional Voting and Ecological Issues*, 3 *ENV. AFF.* 459 (1974); Dunlap & Allen, *Partisan Differences on Environmental Issues: A Congressional Roll Call Analysis*, 29 *W. POL. Q.* 384 (1976).

³⁰ M. EDELMAN, *THE SYMBOLIC USES OF POLITICS* (1964).

³¹ Perhaps the best illustration of this is the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.* (1970). Even though NEPA went beyond the symbolic declarations of intent with its "action-forcing" impact statement requirement, its effectiveness has been hampered by inadequate financial and administrative backing. See White, *Environmental Impact Statements*, 24 *J. GEOGRAPHY* 302 (1972); Kennedy & Hanshaw, *The Effectiveness of Impact Statements: The U.S. Environmental Policy Act of 1969*, 218 *EKISTICS* 19 (1974); Kreith, *Lack of Impact*, 15 *ENV'T* 15 (1973); Macbeth, *The National Environmental Policy Act After Five Years*, 2 *Col. J. ENV'T'L L.* (1975); Strohhahn, *NEPA's Impact on Federal Decision-making: Examples of Noncompliance and Suggestions for Change*, 4 *ECOLOGY L.Q.* 107 (1974); *NEPA*

An interdisciplinary team of scholars assessed the practical effect of such symbolic legislation in the following manner:

While it is true that [environmental] legislation is replete with demands for a quick and total victory over pollution, these statutory formulae are generally hedged with a number of concessions to reality which make their application far from clear. Equally important, it places so many demands on the EPA (Environmental Protection Agency) that the Administrator will almost inevitably find that he commands far too few resources to accomplish them all. Thus the Administrator will find that he must make judgments as to the relative merits of his many programs without much guidance . . . for a statute which implies that *everything* is important offers no help when it comes to setting priorities. It seems, then, that the Administrator is faced with the unhappy task of defining policy without the aid of strong statute-based institutional structures to provide a basic sense of direction.³²

Despite reform efforts, the United States Congress in the post-Watergate era remains a sometimes centrist and moderate, but more often a conservative, political body due to its committee structure, methods of recruitment, and penchant for dealing with the effects of problems, not their cause.³³ The issue of the quality of the environment is so basic and so comprehensive that it has been beyond present legislative capabilities. Although Congress passed some very wide-ranging legislation in the early Seventies, it has simply not moved ahead on the unfinished agenda of basic environmental needs.³⁴ For instance, the perennial Environmental Protection Act sponsored by Senator Philip Hart (D., Mich.),³⁵ which would provide basic rights for the citizen and the environment, has received little serious attention in Congress. Similarly in 1975, there was "virtually no chance for land use legislation" until the next

is Still a Hard Act to Follow, Conservation Foundation Letter (June, 1976); LIROFF, *supra* note 26. For a somewhat different view, see *Symposium on Environmental Impact Statements*, 16 NAT'L RESOURCE J. 243 (1976).

³² B. ACKERMAN, S. ROSE-ACKERMAN, J. SAWYER, JR., & D. HENDERSON, *THE UNCERTAIN SEARCH FOR ENVIRONMENTAL QUALITY* 327 (1974) (original emphasis).

³³ Shortly after the opening of the 94th Congress, legislative leaders admitted that they could not achieve their public policy goals. See *Albert Concedes Failure to Achieve Goals*, New York Times, June 22, 1975, at 1, col. 8. Congressional inaction during the energy crisis is a dramatic example of this problem. See D. KELLY, K. STUNKEL & R. WESCOTT, *THE ECONOMIC SUPERPOWER AND THE ENVIRONMENT* 201-08 (1976).

³⁴ ROCKEFELLER BROS. FOUNDATION, *THE UNFINISHED AGENDA* (1977).

³⁵ S. 1032, 92d Cong., 1st Sess. (1971). See MICH. COMP. LAWS ANN. §§ 691.1201-07 (Supp. 1972) for the state analog of Sen. Hart's proposal currently in force in Michigan.

Congress,³⁶ although such legislation may reflect the most fundamental of all environmental objectives. In the post-Earth Day era comprehensive decision-making necessary to effective environmental policy may not be possible in light of Congressional inertia and reluctance to deal with fundamental issues.

The rapid, nearly unanimous passage of numerous pieces of environmental legislation in the early Seventies has led to a large volume of litigation in the courts, a branch of government sometimes favorable to conservationists.³⁷ While environmental lawsuits may play a significant role in decision-making by government agencies, court rulings can never do more than a piecemeal job of environmental protection. Although they can compel action through the use of injunctions and temporary restraining orders, legal confrontations are essentially a rearguard, negative force that is slow, expensive, and uncertain. As a recent author stated "[the] greatest defect [of court litigation] is the case-by-case, after-the-fact approach to the problem. Few systematic efforts [are] made to analyze all sources of pollution and crack down on all offenders under [environmental] laws."³⁸ Litigation, then, is inadequate as a political strategy since the environment can only be effectively protected with comprehensive, long-range planning.

In summary, whatever the government's intentions in the early 1970's, the tide has clearly turned against ecologists in the battle for positive public action.³⁹ While this discussion has focused upon the national environmental quality movement and federal government institutions, environmental policies at all levels of government, like

³⁶ *House Interior Projects National Land Use Bill*, 26 CONSERVATION REP'T 346 (July 18, 1975). For a recent review of Congressional action on less fundamental matters see *Congress Compiles a Significant and Credible Conservation Record*, 27 CONSERVATION REP'T 317 (Oct. 8, 1976).

³⁷ ROSENBAUM, *supra* note 4, at 120.

³⁸ L. WENNER, *ONE ENVIRONMENT UNDER LAW* 55, 141-42 (1976). See generally Steck, *NEPA After Five Years: A Second Look*, (paper delivered at Annual Meeting of Soc. for Study of Soc. Prob., San Francisco, Aug. 1975); Garvey, *Environmentalism v. Energy Development: Constitutional Background to Environmental Administration*, 35 PUB. ADMINISTRATION REV. 328 (1975); L. CALDWELL, L. HAYES & I. MACWHIRTER, *CITIZENS AND THE ENVIRONMENT* xxvi (1976). For a review of court decisions, see Kraus, *American Environmental Case Law: An Update*, 3 ALTERNATIVES: PERSPECTIVES ON SOC. & ENV'T 25 (1974); and COUNCIL ON ENVIRONMENTAL QUALITY (CEQ), *SIXTH ANNUAL REPORT* (1975).

³⁹ A recent examination of 68 environmental case studies revealed that American government proved to be the single worst enemy of the environment. See CALDWELL, *supra* note 38, at xvii. For an argument that the political system simply cannot respond to fundamental needs, see M. BRENNER, *THE POLITICAL ECONOMY OF AMERICA'S ENVIRONMENTAL DILEMMA* (1973).

the various types of pollution, are tightly intertwined. In general, initiatives taken at the national level have been influential in shaping policy at lower levels of government.⁴⁰ Indeed, despite the recent enthusiasm for returning power to the states, knowledgeable observers regard this as a mixed blessing. A team of economists and political scientists recently concluded:

The culpability of public officials, as seen by environmentally concerned citizens, differs with levels of government and with agencies. A plausible, . . . generalization would be that malfeasance characterizes a determined federal officialdom, misfeasance is more often a consequence of state government ineptitude, and nonfeasance describes the unwillingness of local officials to . . . protect the environment . . .⁴¹

The environment, then, seems to have gone through the "life cycle" of political issues in American government.⁴² A period of public arousal and concern with specific problems results in certain measures enacted to solve those problems. Then, public interest fades and the media is attracted to new issues. In this later stage special interest and policy-making elites take over the routines of administration and direct the policy to their own ends. Environmental quality has not been further protected because the public has not demanded it and political leadership has not encouraged it. Most commentators agree that we are witnessing a gradual decline of the previously intense interest in the environment⁴³ and that the issue is entering the "post problem" stage.

II. NATIONAL WEALTH AND ECOLOGY

In 1970, eco-activists could, with some justification, assume that since this country enjoyed a certain affluence, it could afford to make hard choices to insure environmental protection. Notwithstanding today's economic inflation and recession, nowhere is the economic capacity greater to deal with despoliation of the landscape than in the United States.⁴⁴ Yet, economic problems are a useful

⁴⁰ See WENNER, *supra* note 38, ch. 4.

⁴¹ CALDWELL, *supra* note 38, at xvii.

⁴² For discussion of the "issue-attention cycle" in politics, see Downs, *Up and Down With Ecology—The Issue Attention Cycle*, 28 PUB. INTEREST 38 (Summer 1972).

⁴³ See J. MITCHELL, *LOSING GROUND* (1975); Magida, *supra* note 22, at 308. For a view that environmentalism is as strong as ever, see Miller, *Four Year Scorecard on the Environment*, 38 PROGRESSIVE 22 (1974); McWethy, *After Setbacks—New Tactics in Cleaning up the Environment*, U.S. NEWS & WORLD REPORT, June 9, 1975, at 62.

⁴⁴ KELLY, *supra* note 33.

ploy to slow the move toward environmental quality. For example, in the waning days of the Nixon Presidency, the Administration launched a coordinated attack on environmental controls because of their alleged contribution to inflation. Although less than one-half of one percent of inflation is attributed to pollution control,⁴⁵ the Ford Administration and business interests continued to press for the relaxation of environmental standards claiming that pollution control expenditures were "non-productive" and inflationary.⁴⁶

Predictably, then, the environment is of low priority in public budgets at all levels of government. Spending for the environment is slated for only a very small gain in the federal budget for fiscal year 1977.⁴⁷ In some cases the increases are not large enough to keep pace with inflation; in other cases an actual dollar decrease was recommended.⁴⁸

The nation's wealth may also dull the desire of private citizens for environmental quality. Economic growth has enabled millions of Americans to "make it"—the pay-off for hard work and law abiding behavior. These same complacent Americans might not acquiesce in any erosion of affluence in the name of environmental improvement. Young adults, products of the late Forties and early Fifties baby boom, need jobs and unless there is a rapid economic expansion there will be massive unemployment.⁴⁹ In addition to jobs, young families seek material goods, and even if the individual family's level of consumption goes down, barring a severe depression, total demand will go up sharply. If this growth is resisted in the name of the environment, ecology may become a dirty word in the language.

III. CHANGING SOCIETAL VALUES

The third reason the environmental crusade was thought to have a good chance of success was that its philosophy paralleled an apparent shift in values in the country. Some argue for example, that

⁴⁵ Train, *Ecology and Economy: Two Household Words* (address to New York Chamber of Commerce and Industry, New York, N.Y., Oct. 3, 1974).

⁴⁶ Environmental action in such areas as land use planning, solid waste, and strip-mining was blocked by President Ford's moratorium on all new, non-energy federal programs. *Ford Budget Chops Environmental Programs*, 1 CONSERVATION REP. 5 (1976).

⁴⁷ *Id.*

⁴⁸ *Many Environment Programs Face Budget Scissors*, Conservation Foundation Letter (Feb. 1976).

⁴⁹ Drucker, *The High Cost of Saving Our Future: Saving the Crusade*, HARPER'S, Jan. 1972, at 66.

a subculture had emerged which distrusted and opposed the dominant values of the occupational system. According to the "counterculture," the establishment ethic, with its emphasis on hard work and material consumption, prevented genuine personal development.⁵⁰ The counterculture viewed economic individualism, competition, and achievement as the basis of alienation. In their place, the youth culture valued concern for others, mutual dependency, and meaningful participation in human affairs.⁵¹ Given this general orientation, the counterculture inevitably discovered the natural environment, identified it as something of value, and championed its preservation.

However, the days of the counterculture have passed. Enrollments in "pop" courses in the social sciences are declining as students are majoring in accounting, administration, and marketing.⁵² Despite protests against Dow Chemical and General Motors in the late Sixties, the career preferences of today's youth are again overwhelmingly business-oriented.⁵³ The mass of students takes the American dream seriously. The notion that affluence, hedonism, and education have turned young people away from the lure of success is refuted by the current, available data.⁵⁴ The compelling social force of traditional values is evident as students continue to struggle for B.A.'s, M.B.A.'s, and Ph.D.'s despite gluts on the market, underemployment, and unemployment.⁵⁵ As long as the values of industrial-consumer America predominate, environmental solutions that are inconsistent with the prevailing economic and political presumptions will not be seriously considered.

IV. THE INFRASTRUCTURE OF ENVIRONMENTALISM: THE OLD AND THE NEW

A bright future for environmentalism was predicted in the early Seventies, in part, because it was not a completely new movement.⁵⁶ An entire infrastructure of congressional committees, pressure

⁵⁰ T. ROSZAK, *THE MAKING OF THE COUNTER CULTURE* (1969); Dasmann, *Conservation, Counter-Culture, and Separate Realities*, 1 ENV'T'L CONSERVATION 133 (1974).

⁵¹ ROSZAK, *supra* note 50.

⁵² BOROSON, *The New Careerism on Campus*, MONEY, April 1976, at 46.

⁵³ *A Home in Business for the Radical Generation*, BUS. WEEK, Oct. 5, 1974, at 118.

⁵⁴ See Bowman, *Attitudes Toward the Public Service: A Survey of University Students*, 4 PUB. PERSONNEL MANAGEMENT, 113 (March-April 1975); Bowman, *The Meaning of Work and the Middle Manager*, CALIF. MANAGEMENT REV. (to be published Winter 1976).

⁵⁵ *More Grads Than Jobs in '80's*, Denver Post, Oct. 10, 1974, at 10, col. 4.

⁵⁶ See HANDBOOK, *supra* note 3.

groups, and government agencies interested in conservation already existed. The new movement inherited not only political clout, financial resources, and administrative experience, but also the problems of a flawed system.⁵⁷

A well known feature of "interest group liberalism"⁵⁸ admits that most policies are made by an "iron triangle" consisting of special interest groups, legislative committees, and bureaus in governmental departments. At this subsystem level, policy typically is made on the basis of past experience, consultation, bargaining, and compromise. Comprehensive programs are rarely formulated, few problems are ever solved, incremental decision-making prevails throughout. Economists A. Myrick Freeman III and Robert H. Haveman summarize the nature of decision-making in the American pluralist democracy:

. . . [T]he political response to the water pollution problem has been to shift the real decisions from the federal to the state level and from the legislature to the bureaucracy; to make decisions in arenas where there is less accountability and accessibility; and to avoid once-and-for-all resolutions of the political conflicts in favor of the piecemeal, fragmented decisions characterizing the enforcement process. These tendencies work against the public interest in pollution and in favor of polluters.⁵⁹

Old-line conservationists who cited the Army Corps of Engineers (and other interests in the "iron triangle") for its long time environmental mission and its usefulness as an existing power base, have since seen scores of that agency's projects tied up in court litigation for failure to comply with NEPA.⁶⁰ Established interests are not always enthusiastic about new departures in public policy that threaten the status quo.⁶¹ Broader access to the policy-making process, through the mandate of NEPA and the availability of judicial review, have fostered greater participation in administrative decision-making.⁶² This participation, however, has almost always

⁵⁷ See Bowman, *Viewpoint*, *supra* note 5.

⁵⁸ T. LOWI, *THE END OF LIBERALISM* 55 (1967); J. FREEMAN, *THE POLITICAL PROCESS* 5 (Rev. ed. 1965).

⁵⁹ *Clean Rhetoric and Dirty Water*, 28 PUB. INTEREST 51, 65 (Summer 1972). See also Jones, *Speculative Augmentation in Federal Air Pollution Policy Making*, 36 J. POL. 438 (1974).

⁶⁰ See, for example, *EDF v. Corps of Eng'rs.*, 470 F.2d 289 (8th Cir. 1972).

⁶¹ Andrews, *Environment and Bureaucracy*, 6 ENV'T'L EDUC. 1 (Fall 1974) and Culhane, *Federal Agency Organizational Change in Response to Environmentalism*, 2 HUMBOLT J. SOC. REL. 31 (Fall-Winter 1974).

⁶² See LIROFF, *supra* note 26.

been a supplement to the agencies' traditional reference groups, and has not reconstituted these groups. Without substantive changes in the symbiotic reward systems which sustain these communities of interest, little long-term gain should be expected from agencies in environmental decision-making.⁶³

Similar observations can be made of the legislative and interest group components of the policy-making triangle. In early 1970, at the height of public interest in ecology, one commentator interviewed nearly 50 members of the relevant congressional subcommittees and found that even among this select group of legislators only about one-third viewed environmental issues as being very important.⁶⁴ Furthermore, only one of every three of all the committee members had a truly ecological rather than "public works" orientation toward the environment. If the environment is not perceived as a complex, interacting whole, it will hardly be acted upon as if it were.

If the political structure that environmentalism inherited is imperfect, does the emergence of new environmental concern (*e.g.*, campus organizations, ecology magazines) portend a change in the politics of interest group liberalism? It probably does not, for at least three reasons. First, commentators were properly suspicious when many people jumped on the ecology bandwagon in 1970. The environment was never really a consensus issue, early predictions to the contrary notwithstanding.⁶⁵ It is not an innocuous issue, an idea behind which everyone can unite, since it questions the premises and legitimacy of the current political-economic system. Ecology came to mean everything and therefore nothing. The uneasy combination of preservationists (*e.g.*, Friends of the Earth), utilitarians (*e.g.*, the Forest Service), and commercialists (*e.g.*, private companies) soon broke apart as the financial and social costs of change became apparent.

Second, many new organizations undergo a process that has been called "marasmus."⁶⁶ Government regulatory agencies, for example, seem to experience a cycle from youthful zeal, to devitalization, to

⁶³ For an in depth discussion of inter-agency reliance, see BRENNER, *supra* note 39. Specific examples can be found in ROSENBAUM, *supra* note 4, at chs. 1, 4; WENNER, *supra* note 38, at 92, 96; LIROFF, *supra* note 26, at chs. 3, 4; Andrews, *supra* note 61; and Culhane, *supra* note 61.

⁶⁴ Kraft, *supra* note 27.

⁶⁵ See NASH, *supra* note 9.

⁶⁶ "Marasmus" is a condition of progressive wasting away or emaciation.

debility in old age.⁶⁷ This process may be even more likely to occur with voluntary associations like interest groups, especially those relying on young people. Among other problems, accumulated skills are difficult for such an organization to acquire. Young people supply an unstable base for any organization since they are a mobile sector of the population. Further, most working young adults do not have the free time and flexible schedules that colleges permit, while campus groups are difficult to hold together due to examinations and vacations and are typically small and poorly financed. Most importantly, the radicalism of the young has been immensely exaggerated by the media's tendency to focus on extremist views. In reality, apathy, not activism, characterizes the majority of young people.

Finally, public interest groups enter the political arena at a great disadvantage. While the old politics of conservation was concerned with local, fragmented efforts to preserve enclaves of natural beauty, mainly for their esthetic value, the new conservation has developed a much different orientation. The new environmental movement encompasses all aspects of the eco-system and the relation of man to environment. Groups promoting such a comprehensive, system-oriented view confront formidable obstacles in policy-making. The most important obstacle is that such groups lack established access and are considered idealistic or irrational since the collective benefits they support are intangible. Simply stated, proposals which benefit the general public are less politically useful in bargaining than specific proposals which benefit well organized, special groups. Given the disparity of political resources, it was not surprising that as early as 1972, the crusade for a clean earth was in serious financial trouble while old-line, nonpolitical conservation groups were as healthy as ever.⁶⁸

In summary, the organizational base of the new conservation has not yet been solidly established because of its idealistic goals, youthful, constantly shifting composition, and nonspecific beneficiaries. A possible explanation for the political naivete on the part of

⁶⁷ Huntington, *The Marasmus of the I.C.C.: The Commission, the Railroads, and the Public Interest*, 61 YALE L.J. 467 (1952). See also, *EPA's Apparent Loss of Aggressiveness Explored*, CONSERVATIVE REP., April 16, 1976, at 151.

⁶⁸ Holden, *Environmental Action Organizations are Suffering from Many Shortages, Slump in Public Commitment*, 175 SCIENCE 394 (1972); *Crusade for Clean Earth Runs into Trouble*, U.S. NEWS & WORLD REP., April 10, 1972 at 92. See also Schneider, *Why Conservation Organizations Fail to Educate—Part II*, 80 AM. FORESTS, Dec. 1974, at 5.

ecologists may have been their faith in American society to cope with the crisis—the final topic to be analyzed in this essay.

V. AMERICAN OPTIMISM

The environmental crisis presents the type of problem Americans seem to be very good at solving. The problem not only suggests important moral concerns, but also appears to lend itself to technological solutions. Both of these qualities have served the United States well in such endeavors as winning the world wars. But there are difficulties with this perception—difficulties which are crucial to an understanding of the nature of the ecological predicament.

The protection of the environment does not seem to engender the emotional commitments that political issues such as race, defense, and nationality have been able to arouse. There is little romance in activated sludge. More importantly, the crux of the environmental riddle is not technological in character. We have traditionally depended upon technical solutions to our problems—changes in techniques, but not changes in values. Environmental problems have been approached by setting scientific standards and relying on innovation to meet them, while the behavior that caused the problem continues.⁶⁹ The difficulty is that no engineering solutions exist for the problem, which is that infinite growth cannot be sustained by finite resources. For example, most of the 74 minerals essential to a modern industrial society are being rapidly depleted.⁷⁰ Although technology may provide some substitute materials, the basic substances needed for the substitutes are themselves going to be in short supply. While technology may be available to solve many environmental problems,⁷¹ no imaginable technology can restore extinct species, purify contaminated food chains, or remedy other basic problems. To suggest that all that is necessary is another moral crusade that exploits our technical know-how is to overlook the profundity of the problem which requires a rethinking of political, economic, and social premises and priorities.⁷²

CONCLUSION

This review of societal trends highlights the fact that the Ameri-

⁶⁹ See KELLY, *supra* note 33, at 8, 144.

⁷⁰ *Id.* at 51-52.

⁷¹ See CEQ, FIRST ANNUAL REPORT 51 (1970); CEQ, SECOND ANNUAL REPORT 81 (1971).

⁷² See G. HARDIN, EXPLORING NEW ETHICS FOR SURVIVAL ch. 6 (1972).

can people may not be ready to make basic changes in their way of living. The uncertain nature of American public opinion, the relative poverty of governmental services, the continuing influence of traditional societal values, the importance of the policy-making triangle, and the American faith in science and technology combine and confound comprehensive environmental policies.

One can expect, therefore, a period of retrenchment in environmental decision-making and an absence of initiatives to enhance environmental quality. Nonetheless, there is some interesting evidence that the environmental imperative may have seeped into the attitudes of the general public. Recent national opinion surveys have found that "the environment" is not as prominent an issue as it once was,⁷³ but perhaps such findings should not be taken to mean that people necessarily care less about pollution. Despite speculation that the energy crisis and economic "stagflation" have dampened enthusiasm for antipollution programs, the majority of Americans do not think that environmental measures have been an important cause of fuel shortages or inflation.⁷⁴ Although the public sensationalism and glamour that surrounded the ecology crisis in 1969-1970 have diminished, concern for the natural landscape remains. Although active enthusiasm has diminished, people believe deep down that pollution is getting worse and still favor fighting for a clean environment.⁷⁵ Despite the problems that public interest groups encounter in pluralist politics, the available public opinion data shows that the environment is definitely not a passing fad.

One of the most striking phenomena encountered in the study of American society, is the remarkably resilient faith people have in the political system, despite its shortcomings.⁷⁶ This is dramatically revealed by the author's study of Wyoming college students and their attitudes toward the environment. On the one hand, most of

⁷³ Gallup, *America's Looking Upward, Facing Domestic Problems*, GALLUP OPINION INDEX, Sept. 1974, at 28.

⁷⁴ J.M. VILADAS CO., *IMPACT OF THE FUEL SHORTAGE IN PUBLIC ATTITUDES TOWARD PROTECTION*, REPORT FOR EPA (1974).

⁷⁵ See Fogerty, *Public Opinion and the Environment*, Memorandum for CEQ 51 (July 31, 1974); Gallup, *supra* note 73; VILADAS, *supra* note 74.

⁷⁶ See Labaw & Rappeport, *Alienation: Policy v. Structure 2* (paper presented at the Conf. of Am. Psych. Ass'n, Sept. 1, 1974); Attenborough, *Attitudes Toward Large Companies: A Longitudinal Study of Public Opinion* (paper presented at Conf. of Am. Psych. Ass'n, Sept. 1, 1974). The landmark study of citizen confidence and concern is U.S.SENATE COMM. ON GOV. OPERATIONS, SUBCOMM. IN INTERGOVT'L RELATIONS, *CONFIDENCE AND CONCERN: CITIZENS VIEW AMERICAN GOVERNMENT* (1973) (93d Cong., 1st Sess. Committee Print).

the young people believed that fundamental cultural values have been a basic cause of ecological problems and that present social institutions were unlikely to bring about meaningful reform. On the other hand, most of the over 300 students held an abiding faith in the country and in the solutions of its government.⁷⁷

Stated differently, many people appear to have adopted the environmentalist definition of the problem—that society faces a severe crisis and that present institutions may not be capable of coping with it. However, people have not accepted the environmentalist view of the need for restructuring the consumption and production patterns of the modern technocratic state. Given their belief in the system, people are likely to deal with this riddle in one of several ways. Many young people, as they grow older, may find their faith confirmed by political responses to the crisis. More reform minded individuals may painfully experience the powerlessness of grass-roots organizations.⁷⁸ While some may be transformed into “radicals” and choose alternative life styles, more are likely to follow the liberal form of retreatism—a resigned return to the status quo.

The population's belief in the system may be reaffirmed if government responds to mass political action. John R. Quarles of the Environmental Protection Agency, observed that while the tide is running against the environment in decision-making circles, at the grass-roots level the trend is just the opposite and the case for environmental action grows steadily stronger:

The next year or two will be the time of greatest testing. During this period a whole series of titanic issues will be up for resolution. . . . A danger now exists that the leadership of the country will fail to maintain the momentum of environmental reform which the people will demand.⁷⁹

In short, the late Seventies are not only a time for compliance with earlier legislation, but also a time for confrontation of new environmental problems. If governmental leadership is inadequate, as was the case prior to Earth Day, Quarles predicts that “the environmen-

⁷⁷ *Post-Earth Day Attitudes*, *supra* note 20. See also, Dunlap, Gale & Rutherford, *Concern for Environmental Rights Among College Students*, 32 AM. J. ECON. & SOC. 45 (1973).

⁷⁸ See Molotch, *Santa Barbara: Oil in a Velvet Playground*, in *ITS NOT TOO LATE* (Carvell & Tadlock eds. 1971).

⁷⁹ Quarles, *The Economy, Energy, and the Environment—Last Chance for the Establishment*, (remarks to the Corp., Banking and Bus. Law Section of Philadelphia Bar Ass'n, Philadelphia, Pa., Dec. 2, 1974).

tal movement will once again erupt and rip across this land with a passion and fury" and compel the system to deal effectively with public demands.⁸⁰

However people translate their environmental concerns into political action, a number of conditions must be satisfied if the environmental quality concept is to regain its political strength, including: more cohesive agreement among groups on the goals of the movement, greater clarity in the concept of environmental quality, and more adequate consideration of public policy alternatives for the environment.⁸¹ The movement has yet to make a full transition from a negative effort to a positive one, from an insurgency to a constructive political force. There are still millions of Americans who view ecologists as a group of anti-everything fanatics who are worried more about bird life than human life.⁸²

The unsettled state of environmental politics and reform is evident in calls for bureaucratic reform. For example, some have recommended establishing an environmental "situation" room (similar to the Pentagon's war room), or giving the Council on Environmental Quality veto power, or requiring agencies to identify individuals responsible for preparing impact statements.⁸³ However desirable such "institutional tinkering" may be, it is likely to be fruitless without a broad environmental philosophy.

Current political problems in most areas of public policy arise from disorders of the entire system. Therefore, their solutions must be found in a new politics of the whole of society.⁸⁴ Problems of environmental control are conceptual in character. We can change our ways only if a new social ethic is adopted with a coherent ideology based on harmony with nature instead of a drive for mastery over nature. Without such a change in beliefs, the war on pollution will remain crisis-oriented, fragmented, and bureaucratic. Major changes in social structure and individual behavior are likely to occur only at times of major crisis. Our frontier traditions, illusions of endless wealth, and the belief in the inevitability of progress may

⁸⁰ *Id.*

⁸¹ L. CALDWELL, *ENVIRONMENT: A CHALLENGE TO MODERN SOCIETY* 53 (1971).

⁸² See, e.g., M. GRAYSON & T. SHEPARD, *THE DISASTER LOBBY: PROPHETS OF ECOLOGICAL DOOM AND OTHER ABSURDITIES* (1973).

⁸³ Kennedy & Hanshaw, *supra* note 31, at 22.

⁸⁴ See Wheeler, *The Politics of Ecology (A Viewpoint)*, 4 INT'L J. ENV'T'L STUD. 183 (1973); L. CALDWELL, *MAN AND HIS ENVIRONMENT: POLICY AND ADMINISTRATION* (1975); and G. MILLER, *LIVING IN THE ENVIRONMENT: CONCEPTS, PROBLEMS, AND ALTERNATIVES* (1975).

be producing such a crisis. There is little question that the environment will be a continuing concern, increasing in perplexity and gravity on a worldwide scale. The environmental challenge, because of its enormous scale and infinite details, tests man's ability to make hard choices about the most fundamental aspects of his behavior.